



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Docket No.: 17682A-003610US
Client Ref. No.: 152A

On August 26, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Lois M. Simón

Lois M. Simón

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROBERT O. DEMPCY et al.

Application No.: 09/724,959

Filed: November 28, 2000

For: MODIFIED
OLIGONUCLEOTIDES FOR
MISMATCH DISCRIMINATION

Examiner: Chakrabarti

Art Unit: 1634

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is filed in response to the Office Action dated April 9, 2003.

All claims under examination in this application are rejected for obviousness-type double patenting over claims of U.S. patent 6,127,121, either alone or in view of US patent 6,153,379 of Caskey et al.

While Applicants do not agree with the examiner's position that the claims under examination are obvious from the claims of the '121 patent, in order to expedite prosecution of this application, Applicants are filing the accompanying Terminal Disclaimer. Withdrawal of the rejection and processing of this application to allowance are respectfully requested.

RECEIVED
SEP 04 2003
TECH CENTER 1600/2900

DEMPCY et al.
Application No.: 09/724,959
Page 2

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JA:ja

60025513 v1